

HellerEhrman
ATTORNEYS

1666 K Street, NW, Suite 300
Washington, D.C. 20006-1228
Main: (202) 912-2000
Fax: (202) 912-2020

Facsimile Transmittal

TECH CENTER 1600/2900

NOV 01 2002

RECEIVED

To: Examiner Christine Saoud, USPTO
Telephone: 703-305-7519 **Fax:** 703-308-0294

To: SPE Gary Kunz, USPTO
Telephone: 703-308-4623 **Fax:** 703-746-5113

From: Patricia D. Granados **Please return to Kristy Canales**
Telephone: (202) 912-2142
Direct Fax: (202) 912-2020

No. of Pages: 19 (including cover)
Date: November 1, 2002 **4871/38163-0010**

Message: RE: 08/455,975 Rubin Our Ref: 38163-0010

On October 30, 2002, we received the attached Notice of Abandonment mailed October 28, 2002, for failure to respond to the Final Office Action mailed March 12, 2002. Our Response, along with a Petition for a three month Extension of Time, Notice of Appeal and appropriate fees were filed on September 12, 2002. Copies of the date stamped receipt card, as well as copies of the documents as filed are attached. Please withdraw the abandonment, since apparently the originally filed papers were never matched with the USPTO file.

Thank you.

38804 v01.DC (TXW011.DOC)
11/1/02 9:39 AM (38005.0110)

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at (202) 912-2000.

Heller Ehrman White & McAuliffe LLP www.hewm.com

New York Washington D.C. Montgomery Co., MD Madison, WI San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage

Heller Ehrman White & McAuliffe
1666 K Street, NW, Suite 300
Washington, DC 20006-1228

Date: September 12, 2002

Docket No.: 38163-0010

The "Received" stamp of the U.S. Patent & Trademark Office hereon acknowledges receipt of the following:

Applicant: Jeffrey S. RUBIN et al.

Application Serial No.: 08/455,975

Application Filed: May 31, 1995

Title: METHODS OF TREATING A CONDITION BY STIMULATION OR INHIBITION OF EPITHELIAL CELL GROWTH USING KERATINOCYTE GROWTH FACTOR

TRANSMITTAL FORM; AMENDMENT; FEE TRANSMITTAL; PETITION FOR THREE MONTH EXTENSION OF TIME (\$920 FEE); NOTICE OF APPEAL (\$320 FEE); AND CHECK NO. 010827 FOR \$1,240.00

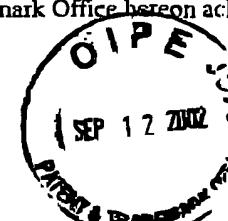
File in Mail Room

Date Due: September 12, 2002

Inspected by: TL

Return to PDG/knc

kc *fl*
DOCKETED



<u>Invoice Number</u>	<u>Date</u>	<u>Amount</u>
38163/0010	9/10/2002	\$1,240.00

VENDOR CODE:	31050 COMMISSIONER FOR PATENTS	CHECK NUMBER:	10827
CHECK DATE:	09/10/2002	CHECK REQUEST:	299037
DC Operating		CHECK AMOUNT:	\$1,240.00

HellerEhrman
ATTORNEYS

Heller Ehrman White & McAuliffe LLP
1666 K Street, NW
Suite 300
Washington, D.C. 20006-1228

BB&T
Branch Banking & Trust Co.
601 13th Street, Northwest
Washington, D.C. 20006

10827

01082715-164
540

Check Date,

09/10/2002

PAY ONLY: \$1,240.00

PAY ONE THOUSAND TWO HUNDRED FORTY DOLLARS AND 00 CENTS

COUNTER SIGNATURE REQUIRED FOR AMOUNTS OVER \$2,500

TO
THE
ORDER
OF
COMMISSIONER FOR PATENTS
UNITED STATES PATENT & TRADEMARK OFFICE
WASHINGTON, DC 20231

Serial No. 08/455,995
38163-0010

AUTHORIZED SIGNATURE

#010827# 005400154715162069235#

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1240

Complete If Known	
Application Number	08/455,975
Filing Date	May 31, 1995
First Named Inventor	Jeffrey S. RUBIN et al.
Examiner Name	C. Saoud
Group / Art Unit	1647
Attorney Docket No.	38163-0010

RECEIVED
NOV 01 2002
TECH CENTER 1600 2900

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
 Deposit Account Number 08-1841

Deposit Account Name HELLER EHRMAN WHITE & MCNAULIFFE

Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status.
See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 201	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ 0

2. EXTRA CLAIM FEES

Total Claims	209	219	=	Extra Claims	Fee from below	=	Fee Paid
Independent Claims	17	18	=	0	x 18	=	

Multiple Dependent			x		=	0
--------------------	--	--	---	--	---	---

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid ** Reissue independent claims over original patent	
108 84	209 42	** Reissue claims in excess of 20 and over original patent	
110 18	210 9		

SUBTOTAL (2) (\$)

* or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 85	Surcharge - late filing fee or oath		
127 50	227 25	Surcharge - late provisional filing fee or cover sheet		
139 130	139 130	Non-English specification		
147 2,520	147 2,520	For filing a request for reexamination		
112 920*	112 920*	Requesting publication of SIR prior to Examiner action		
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action		
115 110	215 55	Extension for reply within first month		
116 400	216 200	Extension for reply within second month		
117 920	217 450	Extension for reply within third month		920
118 1,440	218 720	Extension for reply within fourth month		
128 1,960	228 980	Extension for reply within fifth month		
119 320	219 160	Notice of Appeal		320
120 320	220 180	Filing a brief in support of an appeal		
121 280	221 140	Request for oral hearing		
138 1,510	139 1,510	Petition to Institute a public use proceeding		
140 110	240 55	Petition to revive - Unavoidable		
141 1,280	241 640	Petition to revive - Unintentional		
142 1,280	242 640	Utility issue fee (or reissue)		
143 460	243 230	Design issue fee		
144 620	244 310	Plant issue fee		
122 130	122 130	Petitions to the Commissioner		
123 60	123 60	Processing fee under 37 CFR 1.17 (f)		
126 180	126 180	Submission of Information Disclosure Stmt		
581 40	581 40	Recording each patent assignment per property (times number of properties)		
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))		
148 740	248 370	For each additional invention to be examined (37 CFR § 1.129(b))		
179 740	279 370	Request for Continued Examination (RCE)		
168 900	169 900	Request for expedited examination of a design application		

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1240

SUBMITTED BY					
Name (Print/Type)	Patricia D. Granados	Registration No. Attorney/Agent)	33,683	Telephone	202-912-2142
Signature	<i>Patricia D. Granados</i>			Date	Sept 12, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/455,975	05/31/1995	JEFFREY S. RUBIN	40399/299/NJ	9287
26633	7590	10/28/2002		

HELLER EHRLMAN WHITE & MCAULIFFE LLP
 1666 K STREET, NW
 SUITE 300
 WASHINGTON, DC 20006

EXAMINER

SAOUD, CHRISTINI J

ART UNIT	PAGE NUMBER
----------	-------------

1647

DATE MAILED: 10/28/2002

201

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No. 08/455,975	Applicant(s) RUBIN et al.
Examiner Christine Saoud	Art Unit 1647



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on Mar 12, 2002.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

CHRISTINE J. SAoud
PRIMARY EXAMINER



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.